IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 39127 of 2003(G)

-

PETITIONERS:
----

1. **JOSE C.A., WORKING AS DRAFTSMAN GRADE-II PH SUB DIVISION K.W.A. GHURUVAYOOR, THRISSUR DISTRICT, AGED 43 YEARS, CHERUVATTUR, ANJOOR.P.O., KUNNAMKULAM.**

2. **SALIH K.K., GENERAL SECRETARY, KERALA WATER AUTHORITY OVERSEERS' ASSOCIATION, REG.NO.07-3/98 STATE COMMITTEE, ERNAKULAM. (WORKING AS DRAFTSMAN GRADE II, P.H.DIVISION, KERALA WATER AUTHORITY, KOCHI-16)**

3. **M.M.MATHEW, DRAFTSMAN GRADE-II, WATER WORKS SUB DIVISION, KOCHI-16.**

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:
----

1. **KERALA WATER AUTHORITY, REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN, VELLAYAMBALAM, THIRUVANANTHAPURAM.**

2. **THE KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTOM, THIRUVANANTHAPURAM**

3. **SHRI.BALAKRISHNAN.N., MULLASSERY HOUSE, KOOVAPPADY P.O., PERUMBAVOOR.**

...2/-

WPC.NO.39127/2003 G

*ADDL.R4 TO R6 ARE IMPLEADED:

R4. ADARSH T.K., AGED 29 YEARS,
S/O.CHRI. G.KRISHNAN NAIR, 'TRIVENI',
SRPM P.O., KARUNAGAPILLY, KOLLAM DISTRICT.

R5. VINOD.K., AGED 29 YEARS,
S/O.SHRI. KARUNAKARAN PILLAI,
PLAVILA PUTHENVEEDU, NEAR NSS KARAYOGAM,
PUNAKKUNNU, PERUMPUZHA P.O., KOLLAM.

R6. HARIKUMAR R.G., AGED 27 YEARS,
S/O.SHRI. K.RAJAGOPALAN,
CHEKKITTAVILAKATHU VEEDU, PURAVOOKONAM,
KARAKADU P.O., TRIVANDRUM.

(*ADDL.R4 TO R6 ARE IMPLEADED AS PER ORDER DTD. 13/07/04 IN I.A.NO.5900/04)

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR for Addl.R4 to R6
SRI.M.V.MATHAI MUTHIRENTHY
SRI.BABU VARGHES
SRI.C.UNNIKRISHNAN, SC, KWA for R1
SRI.P.C.SASIDHARAN, SC, PSC for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.39127/2003G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE FINAL SENIORITY LSIT OF DRAFTSMAN GRADE I AS ON 01/11/2000.**

EXT.P2: **COPY OF THE REPRESENTATION SUBMITTED BY SECOND PETITIONER TO THE MANAGING DIRECTOR OF THE KWA DTD. 02/08/2002.**

EXT.P3; **COPY OF THE REPRESENTATION SUBMITTED BY SECOND PETITIONER TO THE MANAGING DIRECTOR OF THE KWA DTD. 16/09/2003.**

EXT.P4: **COPY OF THE REPRESENTATION SUBMITTED BY SECOND PETITIONER TO THE HON'BLE MINISTER FOR WATER RESOURCES DTD. 13/11/2003.**

EXT.P5: **COPY OF THE REPRESENTATION SUBMITTED BY SECOND PETITIONER TO THE MANAGING DIRECTOR OF THE KWA DTD. 20/11/2003.**

EXT.P6: **COPY OF THE RELEVANT PORTION OF RANK LIST PUBLISHED BY 2ND RESPONDENT FOR THE POST SOF DRAFTSMAN GRADE I/WATER WORKS INSPECTOR/OVERSEER/DRAINAGE INSPECTOR.**

/TRUE COPY/

KSS

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.39127 of 2003 G

Dated this the 10th day of July, 2007.

JUDGMENT

The petitioners are Draftsman Grade II working under the first respondent, Kerala Water Authority. They apprehend that, in excess of the quota prescribed for direct recruitment, candidates from the open market are going to be advised for appointment to the post of Draftsman Grade I. In the above background, this writ petition was filed. According to the petitioners, there is dearth of 73 promotees in Grade I, having regard to the cadre strength.

2. But the Water Authority has filed two counter affidavits denying the said contention.

3. Now, it is well settled that the ratio of 7 : 3 between direct recruitees and promotees in the post of Grade I has to be worked out with reference to the sanctioned cadre strength.

4. Having regard to the number of persons from the two streams, if the petitioners are entitled for promotion, or there is dearth in the number of promotees,

they may bring it to the notice of the 1st respondent by filing suitable representations along with a copy of this judgment and a copy of the writ petition. The first respondent shall take steps to ensure that the ratio is maintained while filling up the vacancies in the cadre of Draftsman Grade I, within three months from the date of receipt of such representations.

Writ petition is disposed of as above.

Sd/-

(K.BALAKRISHNAN NAIR)

JUDGE

sk/

//true copy//